

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FMC TECHNOLOGIES, INC., and FMC
FOODTECH, INC., successors-in-interest to
DESIGN SYSTEMS, INC., and STEIN, INC.,
d/b/a STEIN-DSI,

Plaintiffs,

v.

JAMES EDWARDS and PROCESSING
EQUIPMENT SOLUTIONS, INC.,

Defendants.

CASE NO. C05-0946-JCC

STIPULATION AND ORDER
GRANTING LIMITED RELIEF FROM
COURT DEADLINE RE DISCOVERY
CUTOFF

**Note on Motion Calendar:
Monday, February 5, 2007**

STIPULATION

Discovery cutoff in this case was December 26, 2006. On January 26, 2007, defendants supplemented their production of documents relating to the design and marketing of their Quality Control and water jet cutting equipment, for the first time producing contracts and other documents generated after PES' last production on these topics relating to three companies (QuantumVision Corporation, MP Equipment Company, and Gear Tech Services, LLC) with whom defendant PES has contracted to work with it on the design, including computer code, and marketing of these machines. Plaintiffs wish to depose and obtain documents from these companies. Defendants oppose depositions, but will stipulate to subpoenas duces tecum for

STIPULATION AND ORDER GRANTING LIMITED
RELIEF FROM COURT DEADLINE RE DISCOVERY
CUTOFF - 1
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documents generated before the discovery cutoff. Without waiving the possibility of seeking greater relief from the Court, plaintiffs ask that the Court allow the stipulated subpoenas.

In addition, two depositions (John Hewell and Fieldale Farms) were agreed in advance of the cutoff, but circumstances prevented their taking place as scheduled; the parties agreed to stipulate to their taking place after the cutoff.

The parties, through the undersigned counsel, stipulate and agree that defendants may take the deposition of John Hewell; plaintiffs may take the deposition of Fieldale Farms; and plaintiffs may issue subpoenas duces tecum limited to documents generated before December 26, 2006, to QuantumVision Corporation, MP Equipment Company, Gear Tech Services, LLC; after the discovery cutoff of December 26, 2006, but not later than 45 days from the date this Order is entered.

SO STIPULATED this 5th day of February, 2007.

SUMMIT LAW GROUP PLLC
Attorneys for Plaintiffs FMC Technologies,
Inc. and FMC Foodtech, Inc.

YARMUTH WILSDON CALFO PLLC
Attorneys for Defendants James Edwards
and Processing Equipment Solutions, Inc.

By /s/ Rex C. Browning
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Philip S. McCune, WSBA #21081
Rex C. Browning, WSBA #11761

By /s/ C. Seth Wilkinson
Angelo J. Calfo, WSBA #27079
C. Seth Wilkinson, WSBA #31607
Lyle A. Tenpenny, WSBA #34883

ORDER

IT IS SO ORDERED.

DATED this 13th day of February, 2007.



THE HONORABLE JOHN C. COUGHENOUR
UNITED STATES DISTRICT COURT JUDGE

Presented by:

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Attorneys for Plaintiffs

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Approved as to form; Notice of Presentation Waived:

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